

By: Hinojosa

H.B. No. 43

A BILL TO BE ENTITLED

AN ACT

relating to the admission policy of an open-enrollment charter school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.111, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

(2) provide that continuation of the charter is contingent on the status of the charter as determined under Section 12.1141 or 12.115 or under Chapter 39A;

(3) specify the academic, operational, and financial performance expectations by which a school operating under the charter will be evaluated, which must include applicable elements of the performance frameworks adopted under Section 12.1181;

(4) specify:

(A) any basis, in addition to a basis specified by this subchapter or Chapter 39A, on which the charter may be revoked, renewal of the charter may be denied, or the charter may be allowed to expire; and

(B) the standards for evaluation of a school

operating under the charter for purposes of charter renewal, denial of renewal, expiration, revocation, or other intervention in accordance with Section 12.1141 or 12.115 or Chapter 39A, as applicable;

(5) prohibit discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, discipline history, academic, artistic, or athletic ability, or the district the child would otherwise attend in accordance with this code, although the charter may[+]

~~[(A) provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37, and~~

~~[(B)]~~ provide for an admission policy that requires a student to demonstrate artistic ability if the school specializes in performing arts;

(6) specify the grade levels to be offered;

(7) describe the governing structure of the program, including:

(A) the officer positions designated;

(B) the manner in which officers are selected and removed from office;

(C) the manner in which members of the governing body of the school are selected and removed from office;

(D) the manner in which vacancies on that governing body are filled;

(E) the term for which members of that governing

body serve; and

(F) whether the terms are to be staggered;

(8) specify the powers or duties of the governing body of the school that the governing body may delegate to an officer;

(9) specify the manner in which the school will distribute to parents information related to the qualifications of each professional employee of the program, including any professional or educational degree held by each employee, a statement of any certification under Subchapter B, Chapter 21, held by each employee, and any relevant experience of each employee;

(10) describe the process by which the person providing the program will adopt an annual budget;

(11) describe the manner in which an annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the person providing the program will provide information necessary for the school district in which the program is located to participate, as required by this code or by commissioner rule, in the Public Education Information Management System (PEIMS);

(12) describe the facilities to be used;

(13) describe the geographical area served by the program;

(14) specify any type of enrollment criteria to be used;

(15) provide information, as determined by the commissioner, relating to any management company that will provide management services to a school operating under the charter; and

1 (16) specify that the governing body of an
2 open-enrollment charter school accepts and may not delegate
3 ultimate responsibility for the school, including the school's
4 academic performance and financial and operational viability, and
5 is responsible for overseeing any management company providing
6 management services for the school and for holding the management
7 company accountable for the school's performance.

8 (a-1) Notwithstanding Subsection (a)(5), a charter granted
9 under this subchapter for an open-enrollment charter school that
10 has an enrollment of which at least 75 percent of the students are
11 18 years of age or older as of September 1 of the school year may
12 provide for the exclusion of a student based on the student's
13 documented history of a criminal offense, a juvenile court
14 adjudication, or discipline problems under Subchapter A, Chapter
15 37.

16 SECTION 2. This Act takes effect September 1, 2019.